

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

COMMUNICATIONS WORKERS OF AMERICA,	:	
Local 13101,	:	
	:	
Charging Party,	:	
	:	
v.	:	ULP No. 14-08-971
	:	
KENT COUNTY LEVY COURT,	:	ORDER OF DISMISSAL
	:	
Respondent.	:	

BACKGROUND

1. The Communications Workers of America, Local 13101¹, (“CWA”) is an employee organization within the meaning of §1302(i) of the Public Employment Relations Act, 19 Del.C. Chapter 13. It is the exclusive bargaining representative of non-supervisory production and maintenance employees of the Kent County Wastewater Treatment Facility, within the meaning of §1302 (j) of the PERA. *DOL Case 261*.

2. Kent County Levy Court (“County”) is a public employer within the meaning of §1302(p) of the PERA.

3. Kent County and CWA Local 13101 are parties to a current collective bargaining agreement which has a term of January 1, 2009 through December 31, 2014.

4. On or about August 27, 2014, CWA filed an unfair labor practice charge with the Public Employment Relations Board (“PERB”), asserting the County has engaged in conduct in

¹ Local 13101 was formerly known as CWA Local 1036/Branch 312.

violation of §1307(a)(1) and (a)(5) of the PERA.²

5. The County filed its Answer to the Charge on or about September 5, 2014, denying the material allegations therein.

6. A probable cause determination was issued on December 2, 2014, which held the pleadings are sufficient to establish probable cause to believe that an unfair labor practice, as alleged, may have occurred, when considered in a light most favorable to the Charging Party.

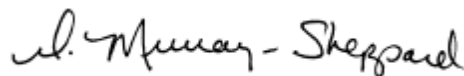
7. By letter dated December 15, 2014, Kent County advised it had “decided not to install GPS technology in Department of Public Works vehicles at this time. If in the future, the County decides to revisit the GPS issue, the union will be provided notice in advance.”

8. Based on the County’s assurances, by email dated December 18, 2014, CWA Local 13101 requested to withdraw its Charge, without prejudice.

WHEREFORE, this unfair labor practice charge is hereby dismissed, without prejudice.

IT IS SO ORDERED.

DATE: December 19, 2014



DEBORAH L. MURRAY-SHEPPARD
Executive Director
Del. Public Employment Relations Bd.

² §1307 (a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (1) Interfere with, restrain or coerce any employee because of the exercise of any right guaranteed under this chapter.
- (5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject.